

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

APPELLEES' DESIGNATION OF ITEMS

Item 14

From *NAACP v Snyder*, Case No. 13-12098 (E.D. Mich)

14.	5/22/13	11	Defs' Mtn to Reassign Civil Case
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT BRANCH NAACP, MICHIGAN
STATE CONFERENCE NAACP, DONNELL
R. WHITE, THOMAS STALLWORTH III,
RASHIDA TLAIB, MAUREEN TAYLOR,

No. 2:13-cv-12098

Plaintiffs,

HON. PAUL D. BORMAN

v

RICK SNYDER, in his official capacity as
Governor of the State of Michigan, ANDREW
DILLON, in his official capacity as Treasurer
of the State of Michigan, and RUTH
JOHNSON, in her official capacity as
Michigan Secretary of State,

Defendants.

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Michael F. Murphy (P29213)
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DEFENDANTS' MOTION TO REASSIGN CIVIL CASE

Defendants file this Motion to Reassign Civil Case and state as follows:

1. On May 13, 2013, this matter was filed by Plaintiffs seeking relief under both 42 U.S.C. § 1983 and 42 U.S.C. § 1973 b(a), the Voting Rights Act of 1965.

2. The action challenges the constitutionality of the Local Financial Stability and Choice Act, Mich. Comp. Laws § 141.1541, *et seq.*, (known as 2012 Mich. Pub. Acts 436 or P.A. 436).

3. The challenges allege violations of the 14th Amendment of the U.S. Constitutional Due Process and Equal Protection clauses, (R. 1, ¶¶ 75-91, I.D. #26-31), and violation of the Voting Rights Act (R. 1, ¶¶ 92-95, I.D. #31).

4. The Plaintiffs seek both declaratory and injunctive relief. (R. 1, I.D. #32).

5. There are three actions presently pending in federal court challenging some or all aspects of P.A. 436 on grounds including violations of the 14th Amendment's Due Process and Equal Protection clauses. Two of those actions also challenge P.A. 436 as a violation of the Voting Rights Act of 1965.

6. The three pending actions involve two individuals and a group of related and unrelated plaintiffs and raise substantially the same challenges as Plaintiffs raise here. All matters are assigned to Honorable Judge George Steeh, Eastern District of Michigan, as companion cases.

- *Phillips, et al v. Snyder, et al.*, Case no. 2:13-cv-11370
- *Telford v. Snyder, et al.*, Case no. 2:13-cv-11670
- *Davis v. Snyder, et al.*, Case no. 2:13-cv-11760

7. Local Rule 83.11(b)(7) (A) (C) and (D) cover companion cases filed in the District Court. Subsection (C) provides that cases must be brought to the Court's attention that are or may be companion cases on the civil cover sheet. A review of the civil case docket sheet in the ECF system shows possible companion cases as "**None**".

8. Local Rule 83.11 (b)(7) (D) provides that when the judge to whom a case is assigned learns of the companion case(s) that, upon consent of the earlier assigned judge, the presiding judge shall sign an order reassigning the pending matter to the earlier judge.

9. Judge Steeh accepted both the *Telford* and *Davis* cases as companion cases, as the assigned judge to the first case filed, *Phillips*.

10. The relief sought in this motion was discussed and concurrence was sought from Plaintiffs' counsel on May 17, 2013. Concurrence in the relief sought was denied.

Defendants request this Court to seek the consent of Judge Steeh to have this matter reassigned in accordance with L.R. 83.11. Importantly, judicial economy and efficiency would also be served by transferring this case to Judge Steeh.

Respectfully submitted,

Bill Schuette
Attorney General

s/ Michael F. Murphy
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Dated: May 22, 2013

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT BRANCH NAACP, MICHIGAN
STATE CONFERENCE NAACP, DONNELL
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**DEFENDANTS' BRIEF IN SUPPORT OF MOTION
TO REASSIGN CIVIL CASE**

CONCISE STATEMENT OF ISSUES PRESENTED

1. The presiding District Judge should seek the consent of the District Judge first assigned to take this case as a companion case.

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Authority: Eastern District of Michigan Local Rule 83.11

STATEMENT OF FACTS

The necessary facts are contained in the motion.

ARGUMENT

- I. This matter should be reassigned to District Judge George Steeh, should he consent.**

Defendants rely on L.R. 83.11 (b)(7) (C) and (D).

CONCLUSION AND RELIEF REQUESTED

Based upon the motion and brief, and judicial economy and efficiency, it is requested the Court seek Judge George Steeh's consent to take this matter as a companion case.

Respectfully submitted,

Bill Schuette
Attorney General

s/ Michael F. Murphy
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Heather S. Meingast (P55439)
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Dated: May 22, 2013

CERTIFICATE OF SERVICE (E-FILE)

I hereby certify that on May 22, 2013, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

/s/ Michael F. Murphy
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2013-0044216-A\ NAACP (Detroit) (EM) USDC-ED\Mot & Brief to Reassign Civil case